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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, SEPTEMBER 28, 2000

APPLICATION OF

THE NEW POWER COMPANY

CASE NO. PUE000435

For a license to conduct
business as a natural gas
competitive service provider
and aggregator

ORDER GRANTING LICENSE TO
PROVIDE GAS SERVICE AND LICENSE
TO SERVE AS AN AGGREGATOR

On August 11, 2000, The New Power Company ("New Power" or "Applicant") completed with the State Corporation Commission ("Commission") an application for licensure to conduct business as a natural gas competitive service provider ("CSP") and an aggregator. New Power seeks to market natural gas in the retail access pilot programs of Columbia Gas of Virginia, Inc. ("Columbia"), and Washington Gas Light Company ("WGL").

On August 25, 2000, the Commission issued an Order for Notice and Comment that docketed the case; required notice of the application to be published on or before September 5, 2000, in newspapers of general circulation within geographical areas approved by the Commission for each pilot program in which New Power seeks to participate; provided for the receipt of comments from the public on or before September 13, 2000; and required

Commission Staff to analyze the reasonableness of New Power's application and present its findings in a Staff Report on or before September 20, 2000.

No comments from the public on New Power's application were received. New Power filed proof of publication of notice on September 22, 2000.

On September 20, 2000, the Staff Report concerning New Power's fitness to provide competitive gas service and aggregation service was filed. The Staff concluded that New Power satisfies the financial and technical fitness requirements for licensure as a natural gas CSP and aggregator. The Staff recommended that a license be granted to New Power for the provision of gas service to residential and small commercial end-use customers in the Columbia and WGL pilot programs. Based upon the financial statements for New Power's sole parent TNPC, Inc., that were submitted to demonstrate the financial backing of New Power, the Staff also recommended that New Power be granted a waiver from the requirement that the Applicant submit audited financial statements.

On September 22, 2000, New Power filed a response to the Staff Report requesting that information contained on page four be updated. The Staff Report noted that the application, which New Power filed with the Commission on August 11, 2000, stated that New Power had filed an application for a license to market

natural gas and electric power in New Jersey, but that the application had not yet been granted. New Power reports that the license to operate in New Jersey was granted August 16, 2000.

NOW UPON CONSIDERATION of the application, the Staff Report, New Power's response, and the applicable law, we find that New Power's application to provide gas and aggregation service should be granted.

Accordingly, IT IS ORDERED THAT:

(1) The New Power Company hereby is issued License No. PG-4 to provide competitive gas service to residential and small commercial end-use customers in conjunction with the retail access pilot programs of Columbia Gas of Virginia, Inc., and Washington Gas Light Company.

(2) The New Power Company hereby is issued License No. PA-3 as an aggregator in conjunction with the retail access pilot programs of Columbia Gas of Virginia, Inc., and Washington Gas Light Company.

(3) These licenses to act as a competitive service provider and as an aggregator is granted subject to the provisions of the Interim Rules Governing Electric and Natural Gas Retail Access Pilot Programs, 20 VAC 5-311-10 *et seq.* ("Interim Rules"), this Order, and other applicable orders, rules, and statutes.

(4) These licenses shall expire upon termination of the respective pilot programs unless otherwise ordered by the Commission. These licenses are not valid authority for the provision of any product or service not identified within the licenses themselves and for which such licenses are required.

(5) The New Power Company hereby is granted a waiver of 20 VAC 5-311-50 A 12 a of the Interim Rules.

(6) Failure of The New Power Company to comply with the Interim Rules, the provisions of this Order, other State Corporation Commission orders and rules, or other applicable state and federal law may result in an enforcement action by the Commission including, without limitation, the revocation, suspension, or modification of the license granted herein, the refusal to renew such license, the imposition of appropriate fines and penalties, or such other additional actions as may be necessary to protect the public interest.

(7) This case shall remain open for the consideration of any subsequent amendments or modifications to these licenses.